

REMARKS

In the Final Office Action mailed on April 15, 2009, claims 1-2, 4-36, 45 and 46 were pending. Claims 21 and 22 have been objected to but indicated to be allowable if rewritten in independent form, and claims 24-36, 45 and 46 have been allowed. Claims 1-2, 4-20 and 23 stand rejected. In this response, claims 1, 20, and 22 have been amended, and claims 19 and 21 have been cancelled. Reconsideration of the present application as amended and including claims 1-2, 4-18, 22-36 and 45-46 is respectfully requested.

Claims 1, 2, 4-6, 10-20 and 23 stand rejected under 35 USC §102(b) as being anticipated by U.S. Patent App. Pub. No. 2003/0032957 to McKinley, and claims 7-9 stand rejected under 35 USC §103(a) as being unpatentable in view of McKinley alone. Amended claim 1 incorporates the features of allowable claim 21 and intervening claim 19. Therefore, claim 1 is believed allowable as indicated in the Office Action. Claim 20 is amended to maintain consistency with amended claim 1.

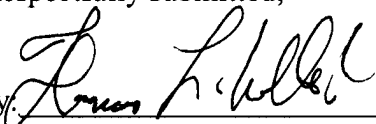
In addition, dependent claim 22 is rewritten in independent form, and includes the features of its base claim 1 and intervening claim 19. Therefore, claim 22 is believed allowable.

The amendments are presented above to expedite prosecution of the present application. It is respectfully submitted that McKinley does not disclose the interconnection means including a cross member extending from the arm through the base allowing the arm to be positionable in a first position that is parallel to a long axis of the base and positionable in a second position that is perpendicular to the long axis of the base as recite in prior claim 1. The portion of the arm of McKinley identified in the Office Action is not a cross member that extends from the "arm". Furthermore, it does not extend through the base. In any event, the rejections are moot in view of the amendments presented above.

Claims 2, 4-18, 20 and 23 depend directly or indirectly from claim 1 and are allowable at least for the reasons claim 1 is allowable. Withdrawal of the rejection of these claims depending from claim 1 is respectfully requested.

In view of the foregoing remarks, it is respectfully that the present application including claims 1-2, 4-18, 20, 22-36 and 45-46 is in condition for allowance. Reconsideration and allowance of the present application as amended is respectfully requested.

Respectfully submitted,

By: 
Thomas L. Willis, Jr.
Reg No. 53,778

Date: 6/11/09

Medtronic
2600 Sofamor Danek Drive
Memphis, TN 38132
Telephone: 901-396-3133